

IN THE UNITED STATES BANKRUPTCY COURT FOR
THE DISTRICT OF PUERTO RICO

IN THE MATTER OF:

MOTIONS

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*Filed +
Entered
8/18/94*

GENERAL ORDER


Rule 311 of the Local Rules of the United States District Court for the District of Puerto Rico is made applicable to adversary proceedings filed and pending in the Bankruptcy Court pursuant to Rule 7001(a) of the Local Bankruptcy Rules. The Court finds that Local Rule 311 assists in securing the just, speedy and inexpensive determination of controversies.

Therefore, effective immediately, the Court orders that Local Rule 311 be and is also made applicable to any motion filed under Rules 9013 and 9014 of the Federal Rules of Bankruptcy Procedure.

Local Rule 311, as amended, and as modified by Local Bankruptcy Rule 7001, is attached hereto and made a part hereof.

SO ORDERED.

San Juan, Puerto Rico, this th 7 day of August, 1994.


ENRIQUE S. LAMOUTTE
Chief, U. S. Bankruptcy Judge


SARA DE JESUS
U. S. Bankruptcy Judge



RULE 311 - MOTIONS

All motions filed before the Court shall be made in compliance with the following:

1 - Motions Shall be in Writing

All motions, including objections to interrogatories and requests for admissions, unless made during a hearing or trial, shall be in writing.

2 - Grounds for Motions

All motions shall state with particularity the grounds therefor and shall set forth the relief or order sought.

Motions shall be accompanied by a brief which shall contain a concise statement of reasons in support of the motion, and citations of authorities upon which the movant relies. If the time for filing supporting documents is extended in the manner prescribed by subsection .6 of this rule, the brief of movant need not be filed until the date specified in the extension order or stipulation.

Movant may include in its motion the concise statement of reasons in support of the motion, and citations of authorities upon which the movant relies instead of filing the separate brief required by this subsection.

3 - Service of Motions and Response

The movant and respondent shall serve copies of their respective papers upon all parties on or before the date that they are filed with the Clerk, and such papers must indicate the date and method of service. The certificate of service shall indicate the date, method of service and the names and addresses of all persons or firms served.

4 - Documents Supporting Motions

When allegations of facts not appearing on record are relied upon in support of a motion, all affidavits and other pertinent documents then available shall accompany the motion. All such documents not then available may be filed within the time prescribed by subsection .6 of this rule.

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5 - Response and Brief

If the respondent opposes a motion, it shall file a response within eleven (11) days after service of the motion, including brief and such supporting documents as are then available. Briefs shall contain a concise statement of reasons in opposition to the motion, and a citation of authorities upon which the respondent relies. For good cause appearing therefor, a respondent may be required to file a response and supporting documents, including brief, within such shorter period of time as the Court may specify, or may be given additional time to file a response as provided in subsection .6 of this rule, including documents and brief.

Respondent may include in its opposition the concise statement of reasons in support of the motion, and citation of authorities upon which respondent relies instead of filing the brief required by this subsection.

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6 - Additional Time to File Supporting Documents and Briefs

When it is indicated in the motion or response, or a written request, that the filing of additional affidavits or other documents in support of a motion or opposition thereto is necessary, the Clerk may enter an ex parte order specifying the time within which such additional documents and brief shall be filed, or approve such stipulations in regard thereto as may have been signed by counsel for the parties. A copy of an ex parte order so entered shall immediately be served upon opposing counsel.

7 - Reply to Opposition

Upon motion filed seven (7) calendar days, after notice of respondent's opposition, the movant may request leave from Court to file a reply thereto. No reply brief shall be filed unless leave is obtained from the court.

8 - Request for Oral Argument

Oral argument on any motion will be held only if the Court on its own initiative, or upon motion, in its discretion so orders.

1 9 - Hearing on Motion

2 If no response to a motion is filed within eleven (11) days, or within such additional or
3 shorter periods of time as may be fixed by the Court, the motion will be considered and decided
4 without a hearing, unless otherwise ordered by the Court.

5 10 - Notice of Hearing

6 The movant or any other party as ordered by the Court, shall give at least five (5) days
7 notice of the date of the hearing on any motion; provided that the Court may, at its discretion,
8 advance the date of hearing and shorten the notice period herein specified.

9 11 - Conference between Attorneys with Respect to Motions and Objections Relating
10 to Discovery

11 Except as provided in Rule 37(j), FRCP, and prior to filing any motion or objection
12 relating to discovery pursuant to Rules 26 through 37, Federal Rules of Civil Procedure, counsel
13 for each of the parties concerned shall confer in advance of the filing in a good faith effort to
14 eliminate as may of the disputes between the parties as possible, or to eliminate the necessity of
15 filing such motion or objection. It shall be the responsibility of counsel for the movant to arrange
16 for the conference. Unless relieved by agreement or by order of the Court upon good cause
17 shown, counsel for respondent shall confer with counsel for movant within ten (10) days of
18 service of a letter requesting such conference and specifying the terms of the discovery order to
19 be sought. The Court will not entertain any motion relating to discovery unless moving counsel
20 shall first advise the Court, in writing, that counsel for the parties have been unable to resolve
21 their differences or reach an agreement after holding a conference as provided for in this rule,
22 or that counsel for respondent has refused to confer or delayed the conference without good
23 cause. This statement shall recite, in addition, the date, time and place of such conference, if any,
24 and the names of all parties participating therein and the attorneys representing them.

25 12 Motions for Summary Judgment

26 Upon any motion for summary judgment, there shall be served and filed annexed to the
motion a separate, short, and concise statement of the material facts as to which the moving
party contends there is no genuine issue to be tried and the basis of such contention as to each
material fact, properly supported by specific reference to the record.

1 All material facts set forth in the statement required to be served by the moving party will
2 be deemed to be admitted unless controverted by the statement required to be served by the
3 opposing party.

4 The papers opposing a motion for summary judgment shall include a separate, short, and
5 concise statement of the material facts as to which it is contended that there exists a genuine
6 issue to be tried, properly supported by specific reference to the record.

7 The statements referred to above shall be in addition to the material required by
8 subdivisions .4, .5, and .6 of this rule.

9 .13 - Penalty

10 The presentation to the Court of unnecessary motions and of unwarranted oppositions
11 to motions, may subject the party or counsel to imposition of costs and/or attorneys fees.

12 .14 - Extension of Time

13 .14(A) - The Clerk of the Court is authorized to sign and enter orders without
14 further direction by the Court granting a first extension of time not to exceed thirty (30) days.

15 Any extension of time thereafter must be presented to the Court for consideration.

16 .14(B) - All motions for extension of time shall state the expiration date of the
17 period to be sought to be extended and the expiration date of the proposed extension.

18 .15 - Informative Motions

19 Motions entitled "Informative Motion" shall be used only to apprise or inform the Court
20 of a matter which should properly be brought to the attention of the Court. Motions which
21 request that the Court grant or deny a form of relief or order shall not be entitled "Informative
22 Motion".
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